



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes PLANNING COMMISSION

*Bob Kinney - Chairman*  
*Kent Rosenbury, Ward 1*  
*Frasure Hunter, Ward 2*  
*Hicks Poor, Ward 3*  
*Roy Vanderslice, Ward 4*  
*Brenda McCrae, Ward 5*  
*Stephen Diffley, Ward 7*

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Wednesday, June 1, 2016

6:00 PM

City Hall Council Chambers

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*Present: Bob Kinney, Kent Rosenbury, Frasure Hunter, Hicks Poor, Roy Vanderslice, Brenda McCrae and Stephen Diffley*

**Staff:**

*Brian Binzer, Development Services Director*  
*Shelby Winkles, Zoning Administrator*  
*Jasmine Chatman, Urban Planner*  
*Daniel White, City Attorney*  
*Ines Embler, Secretary to the Board*

### CALL TO ORDER & ROLL CALL:

*Chairman Kinney called the June 1, 2016 Planning Commission Meeting to order at 6:00PM*

*Mr. White, City Attorney, explained the rules and procedures used in conducting the public hearings.*

### MINUTES:

#### 20160476 May 3, 2016 Regular Planning Commission Meeting Minutes

##### **Review and Approval of the May 3, 2016 Regular Planning Commission Meeting Minutes.**

*Mr. Diffley made a motion, seconded by Ms. McCrae to recommend approval of the Planning Commission Work Session and Planning Commission Meeting Minutes as submitted. The motion carried 7-0-0.*

##### **Approved and Finalized**

**Absent: 0**  
**Vote For: 7**  
**Vote Against: 0**

**REZONINGS/CODE AMENDMENTS:****20160368                    Z2016-10 [REZONING] ASHLEY PECKICH**

**Z2016-10 [REZONING] ASHLEY PECKICH is requesting the rezoning of 3.28 acres located in Land Lot 1225, District 16, Parcel 1410 2nd Section, Marietta, Cobb County, Georgia, and being known as 999 Whitlock Avenue Suite 1 from NRC (Neighborhood Retail Commercial) to NRC (Neighborhood Retail Commercial) with an additional use for indoor dog boarding. Ward 3A.**

*File number Z2016-10 was presented by Mrs. Winkles for a request to rezone property known as 999 Whitlock Avenue Suite 1 from NRC (Neighborhood Retail Commercial) to NRC (Neighborhood Retail Commercial) with an additional use for indoor dog boarding.*

*A public hearing was held.*

*Mr. Adam Rozen, Attorney at Sams, Larkin, Huff & Balli, LLP, for the Applicant, is requesting to rezone property known as 999 Whitlock Avenue Suite 1 from NRC (Neighborhood Retail Commercial) to NRC (Neighborhood Retail Commercial) with an additional use for indoor dog boarding.*

*There was no opposition to this request.*

*The board members asked how many people would be there after hours; if they had other locations and how long they have been in business. The owner, Ms. Peckich stated that there will always be someone there 24 hours; they do not have other locations and they have been in business for a couple months.*

*The board members asked if they have had any registered complaints and asked for clarification as to the distance between their location and an apartment building nearby. Ms. Peckich stated that they did not have any complaints. They went around and spoke with many of their neighbors and collected signatures in favor. Mr. Rozen showed on the map the distance between the apartment building and their location.*

*Mr. Kinney asked how the square footage was calculated. Ms. Peckich explained that they looked at what the experts say and based it on the Department of Agriculture requirements using the maximum amount allowed.*

*The public hearing was closed.*

*Mr. Poor made a motion, seconded by Mr. Rosenbury to recommend approval per the stipulation letter received from Sams, Larkin, Huff & Balli, LLP dated May 27, 2016. The motion carried 7-0-0.*

**Recommended for Approval as Stipulated**

**Absent: 0  
Vote For: 7  
Vote Against: 0**

20160369

**Z2016-11 [REZONING] THE SUTTON GROUP (CHERYL WHITMER)**

**Z2016-11 [REZONING] THE SUTTON GROUP (CHERYL WHITMER)** is requesting the rezoning of 0.46 acres located in Land Lot 1014, District 16, Parcels 0840, 0830, and 0810, 2nd Section, Marietta, Cobb County, Georgia, and being known as 387 & 390 Roselane Street; and 880 Cogburn Avenue from R-2 (Single Family Residential - 2 units / acre) to OI (Office Institutional). Ward 4B.

*File number Z2016-11 was presented by Mrs. Winkles for a request to rezone property known as 387 & 390 Roselane Street; and 880 Cogburn Avenue from R-2 (Single Family Residential - 2 units / acre) to OI (Office Institutional).*

*A public hearing was held.*

*Mr. Todd Korn, Civil Engineer for TK Consulting Engineers, for the Applicant, is requesting to rezone property known as 387 & 390 Roselane Street; and 880 Cogburn Avenue from R-2 (Single Family Residential - 2 units / acre) to OI (Office Institutional).*

*There was no opposition to this request.*

*Mr. Rosenbury asked if there was not adequate parking there when the original building was built or was it a different use. Mr. Korn stated that the parking for the existing building met the minimum standards for zoning, but the problem is that they are growing and there is more demand for parking now.*

*The board members asked if he has personally been working with the City's Public Works Department and how many employees will be parking there. Mr. Korn stated that they he is the Civil Engineer for this project and he is personally working with the City's Public Works Department. Ms. Cheryl Whitmer, the applicant stated that they have over 100 hundred employees and are hoping to move 28 over to this location.*

*The board members asked whether the parking spaces will be sufficient and where does the overflow parking go now. Ms. Whitmer stated that they currently lease space at 175 White Street and have 10 spaces there for overflow. The lease expires in 5 years. They do not foresee future growth to impact their parking needs further.*

*Mr. Kinney asked if they plan on doing an exemption plat to make it all one lot and Mr. Korn affirmed.*

*The public hearing was closed.*

*Mr. Vanderslice made a motion, seconded by Mr. Diffley to recommend approval as submitted. The motion carried 7-0-0.*

**Recommended for Approval**

Absent: 0  
Vote For: 7  
Vote Against: 0

20160385

**Z2016-12 [REZONING] FROG DEVELOPMENT, LLC**

**Z2016-12 [REZONING] FROG DEVELOPMENT, LLC** is requesting the

rezoning of 0.25 acres located in Land Lot 1216, District 16, Parcel 0530, 2nd Section, Marietta, Cobb County, Georgia, and being known as 413 Washington Avenue from OIT (Office Institution Transitional) to OIT (Office Institution Transitional) with an additional use as a residence. Ward

*File number Z2016-12 was presented by Mrs. Winkles for a request to rezone property known as 413 Washington Avenue from OIT (Office Institution Transitional) to OIT (Office Institution Transitional) with an additional use as a residence.*

*A public hearing was held.*

*Mr. Bob Misdom, the Applicant, is requesting to rezone property known as 413 Washington Avenue from OIT (Office Institution Transitional) to OIT (Office Institution Transitional) with an additional use as a residence.*

*There was no opposition to this request.*

*Mr. Rosenbury asked if he owned the property or was purchasing subject to the rezoning approval. Mr. Misdom stated that he owns the property.*

*Mr. Kinney asked for clarification to his statement about pre-plumbing for sprinklers. Mr. Misdom stated that they are gutting the house and while it's all open they plan to install the necessary wiring to be able to connect a sprinkler system in the future. Mr. Kinney advised him to contact a qualified sprinkler system contractor.*

*The board members asked questions pertaining to the chain link fence and external changes to the building. Mr. Misdom stated that the fence will be repaired and that they will be making changes to the front posts. They will have a post and beam carport.*

*Ms. McCrae asked how he proposed to add a second bathroom to such a small house. Mr. Misdom approached the bench and showed Ms. McCrae on the plans where they will be adding the new bathroom, stating that like the new trend for tiny houses, this will be a small bathroom.*

*The public hearing was closed.*

*Mr. Diffley made a motion, seconded by Mr. Hunter to recommend approval as submitted. The motion carried 5-2-0. Mr. Vanderslice and Mr. Poor opposed.*

#### **Recommended for Approval**

**Absent: 0**

**Vote For: 5**

**Vote Against: 2**

**20160386**

**Z2016-13 [REZONING] HCA REALTY, INC (TRATON HOMES, LLC)**

**Z2016-13 [REZONING] HCA REALTY, INC (TRATON HOMES, LLC) is requesting the rezoning of 13.92 acres located in Land Lots 1016 and 1017, District 16, Parcels 0190, 0210, 0100, and 0300, 2nd Section, Marietta, Cobb County, Georgia, and being known as 720, 730, and 750 Canton Road; and 899 Cobb Parkway North from OI (Office Institutional) to PRD-MF (Planned**

**Residential Development - Multi-Family). Ward 5B.**

*File number Z2016-13 was presented by Mrs. Winkles for a request to rezone property known as 720, 730, and 750 Canton Road; and 899 Cobb Parkway North from OI (Office Institutional) to PRD-MF (Planned Residential Development – Multi-Family).*

*A public hearing was held.*

*Mr. Kevin Moore, Attorney at Moore Ingram Johnson & Steele, LLP, for the Applicant, is requesting to rezone property known as 720, 730, and 750 Canton Road; and 899 Cobb Parkway North from OI (Office Institutional) to PRD-MF (Planned Residential Development – Multi-Family).*

*There was one (1) in support and six (6) in opposition to this request. Mr. Drayton Baker spoke in support as well as in opposition. Mr. Terry Robbins, Mr. Paul Padar, Mr. Robert C. Sheldon, Jr., Mr. Dean Custance and Ms. Lorrin Mortimer opposed.*

*Mr. Baker expressed support stating that he knows Mr. Poston personally and could not think of a better contractor that could produce a quality product. That said, he expressed concerns over the buffer, lighting and traffic. He would like to make sure the lighting was adequate and would not disturb the whole neighborhood.*

*Mr. Robbins expressed concern over the amount of cars projected to impact their neighborhood streets as their roads are currently used as a cut-through road for many people in the area already. Their intersections are not even properly marked to indicate to drivers where they need to stop and there are many stop signs and no traffic signals. He would like to see a traffic study performed in his neighborhood. He also expressed concerns over the proposed buffer and concerns over part of the property being in a flood plain. He is also opposed to Variance 23g in the stipulation letter dated June 1, 2016. He feels they should add more trees.*

*Mr. Padar is concerned over the irregularities in the plans that Mr. Moore mentioned in his presentation. He is opposed to reducing the buffer and is concerned about the traffic. He stated that he often runs out to investigate accidents and that one of the citizens in the audience has also been in an accident at the Sequoia Avenue intersection.*

*Mr. Sheldon's main concern is the traffic. He has spoken with Mayor Tumlin about the traffic on Canton Road for some time and understands that that's under the control of the County and he (Mayor Tumlin) can't change the 45mph speed limit and the City can't put sidewalks on Canton Road to protect pedestrians. He stated that Sequoia Avenue is not a through street.*

*Mr. Kinney recommended to Sequoia that they speak with their Councilman about getting speed tables through Sequoia.*

*Mr. Custance has witnessed the activity on Sequoia and the dangerous situation. He said additional traffic in that area would only increase the odds of something terrible happening. He sees that the capacity at West Side Elementary is being stretched and is concerned about the school district having to re-district his neighborhood to accommodate the growth generated by the new development.*

*There was not enough time left on the clock for Ms. Mortimer to express her concerns.*

*The board members asked questions regarding ingress and egress and about the*

water runoff from the slope at the bank and medical office. Mr. Moore explained that an engineer would say that most people would turn right out of the subdivision and that he was not aware of the hydrology situation for the sloped area but that the engineers already caught it as noted in the detailed plans and the preliminary has been done.

The board members asked why they want to re-zone to PRD-MF as opposed to PRD-SF. Mr. Moore stated that PRD-MF offers the best opportunity for inventive design of a townhome community. Staff stated that the requirement for condominium style townhomes are allowable in both PRD-MF and PRD-SF. However, PRD-MF has a lot more permitted uses; it allows multi-family. But both of them are site plan specific, so whatever is proposed they are bound to.

Mr. Rosenbury asked if HCA would be willing to lessen their buffer, since they own the office building next door as well in order to allow for the 30 foot buffer to remain and Mr. Kinney asked if the medical building would be willing to give 10 feet to this property to make it 150. Mr. Moore believes they own that building but is not certain. He stated that HCA would have to answer those questions. He said that's not part of the property that is being proposed for rezoning.

Mr. Rosenbury asked what the driveway lengths are and if it would be possible to shorten the driveway. Mr. Moore stated that the driveways are 20 feet and that theoretically they could try and see how it would work to have a variance for 15-foot driveways.

Mr. Moore explained that they are proposing a tremendous amount of evergreen tree plantings within the 20-foot buffer and if it's just 30 feet, it would just be distance, not more plantings, so while he understood what Mr. Rosenbury was saying, he isn't sure it would have a substitutive impact or effect on the situation.

Mr. Kinney asked about the height of the buildings, whether the property would be gated and the proposed price points. Mr. Moore explained that there the townhouses along Sequoia Avenue would be two stories but that other townhouses in the subdivision would be three stories. He said that a gated entrance is a possibility. They are proposing that they may gate it, not that it is going to be gated at this time. The starting prices will be in the high 200s and go well into the mid-300s.

Mr. Rosenbury asked Mr. Moore if he would be willing to lead a petition for a traffic calming solution to Sequoia Avenue. Mr. Moore stated that he would be willing to work with the residents and help and support them but it's really up to them to contact their representative.

The public hearing was closed.

Mr. Vanderslice made a motion, seconded by Mr. Poor to recommend approval to rezone to PRD-MF with the site plan labeled as Exhibit "A" that was included in the stipulation letter from Moore Ingram Johnson & Steele, LLP dated June 1, 2016. The motion carried 4-3-0. Mr. Diffley, Ms. McCrae and Mr. Kinney opposed.

#### **Recommended for Approval as Stipulated**

**Absent: 0**  
**Vote For: 4**  
**Vote Against: 3**

20160387

**Z2016-14 [REZONING] SOUTH COAST INVESTORS, LCC (SAWCO DEVELOPMENT GROUP, LLC)**

**Z2016-14 [REZONING] SOUTH COAST INVESTORS, LCC (SAWCO DEVELOPMENT GROUP, LLC) is requesting the rezoning of 0.73 acres located in Land Lot 1216, District 16, Parcel 0430, 2nd Section, Marietta, Cobb County, Georgia, and being known as 362 Lawrence Street from R-4 (Single Family Residential - 4 units / acre) to OIT (Office Institution Transitional). Ward 5A.**

*File number Z2016-14 was presented by Mrs. Winkles for a request to rezone property known as 362 Lawrence Street from R-4 (Single Family Residential – 4 units / acre) to OIT (Office Institution Transitional).*

*A public hearing was held.*

*Mr. Adam Rozen, Attorney at Sams, Larkin, Huff & Balli, LLP, for the Applicant, is requesting to rezone property known as 362 Lawrence Street from R-4 (Single Family Residential – 4 units / acre) to OIT (Office Institution Transitional).*

*There was no opposition to this request.*

*Ms. McCrae thanked Mr. Rozen stating that what they are proposing is a much better plan than is currently there and suggested he keep in mind the parking situation as it seems to be a popular problem for commercial use properties lately.*

*The board members asked questions about the design of the building and how many people would be working on site. Mr. Rozen explained the design plans satisfactorily and stated they don't have specific numbers of employees at this time.*

*The public hearing was closed.*

*Mr. Rosenbury made a motion, seconded by Mr. Hunter to recommend approval per the stipulation letter received from Sams, Larkin, Huff & Balli, LLP dated May 23, 2016. The motion carried 7-0-0.*

**Recommended for Approval as Stipulated**

**Absent: 0**

**Vote For: 7**

**Vote Against: 0**

20160309

**CA2016-04 [CODE AMENDMENT]**

**CA2016-04 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 708.01(B), Division 708.02(B), Division 708.03(B) Division, 708.04(B), Division 708.23(B), Division 708.23(D), Division 712.01(Table B), Division 712.02(B), Division 712.02(C), and Division 724.02 Definitions, regarding personal care homes and group homes.**

*File number CA2016-04 was presented by Mrs. Winkles for a Code Amendment Proposal to amend the Comprehensive Development Code of the City of Marietta,*

*Division 708.01(B), Division 708.02(B), Division 708.03(B) Division, 708.04(B), Division 708.23(B), Division 708.23(D), Division 712.01(Table B), Division 712.02(B), Division 712.02(C), and Division 724.02 Definitions, regarding personal care homes and group homes.*

*A public hearing was held.*

*Ms. Winkles, City Staff, presented a Code Amendment Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 708.01(B), Division 708.02(B), Division 708.03(B) Division, 708.04(B), Division 708.23(B), Division 708.23(D), Division 712.01(Table B), Division 712.02(B), Division 712.02(C), and Division 724.02 Definitions, regarding personal care homes and group homes.*

*There was no opposition to this request.*

*Mr. Kinney asked Mr. Binzer for affirmation as stated in the work session that this was at the request of a council person. Mr. Binzer explained that there was an awareness made, based on something that happened in this council person's ward, that personal care homes with up to six residents are legally allowed in single family residential districts. A proposal to amend these sections to limit the number of occupants of personal care homes was made in order to maintain the residential setting.*

*Mr. Rosenbury stated that it looks like this is just limiting the size of these facilities for the number of people that can live there. Mr. Binzer affirmed stating that it doesn't take away the use.*

*The public hearing was closed.*

*Ms. McCrae made a motion, seconded by Mr. Poor to recommend approval as submitted. The motion carried 7-0-0.*

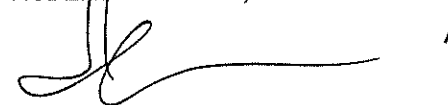
#### **Recommended for Approval**

**Absent: 0**  
**Vote For: 7**  
**Vote Against: 0**

#### **ADJOURNMENT:**

*The June 1, 2016 Planning Commission Meeting adjourned at 8:18PM.*

  
ROBERT W. KINNEY, CHAIRMAN

  
INES EMBLER, SECRETARY